

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Salvador Martinez

Case Number: 2:12CR02079-RMP-2

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson

Date of Original Sentence: November 13, 2013

Type of Supervision: Probation

Original Offense: Misprision of a Felony,
18 U.S.C. § 4

Date Supervision Commenced: November 13, 2013

Original Sentence: Probation 12 months

Date Supervision Expires: November 12, 2014

PETITIONING THE COURT

To extend the term of supervision for 12 months, for a total term of 24 months.

To modify the conditions of supervision as follows:

- 15 You shall complete 8 hours of community service work, at the rate of not less than 4 hours per month at a not-for-profit site approved in advance by the supervising probation officer. The hours are to be completed in full no later than December 31, 2014.
- 16 You shall abide by all conditions set by the Yakima County District Court.

CAUSE

On April 1, 2014, Mr. Martinez was transferred to the low risk caseload (LRC) as a privilege for his compliance with supervision.

On September 21, 2014, the United States Probation Office received a notice indicating Mr. Martinez had law enforcement contact and was arrested for driving under the influence.

On September 22, 2014, Mr. Martinez called the United States Probation Office to report his law enforcement contact and later reported to the office to discuss the matter further. Mr. Martinez advised he had four to five mixed drinks at his cousin's wedding and stopped drinking before midnight. He stated he left with his two children, and reported he was about two houses away from his residence when he was pulled over. The defendant indicated he was given a form to fill out and instructed to send it in.

On September 23, 2014, a police report was obtained from the Washington State Patrol, which indicates on September 21, 2014, at 1:39 a. m. a trooper observed a vehicle drive onto the center line. The trooper initiated a traffic stop, contacted the driver, who was later identified as the defendant, and his two children. The trooper noticed Mr. Martinez' face was perspiring, flushed, and the trooper could also smell intoxicants. The defendant reported he had four drinks. The field sobriety test resulted in a reading of .118.

Prob 12B

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The trooper indicated Mr. Martinez was extremely cooperative and transported to the station for processing. His children were released to their grandfather. At the station two breath samples were taken and resulted in a reading of .104 and .102. The defendant was then transported to his residence. As of the submission of this report, a Yakima County District Court date has not been set for this matter.

According to the defendant's presentence report, there was no history of alcohol abuse and the defendant described himself as a social drinker during the weekends. The defendant is in compliance with all other aspects of supervision.

Based on the above information, the undersigned officer recommends the defendant's term of supervision be extended for 12 months and the conditions of supervision be modified, as noted above. Enclosed is a waiver signed by the defendant agreeing to the proposed modification should Your Honor concur.

Respectfully submitted,

by s/Erica Helms

Erica Helms
U.S. Probation Officer
Date: October 21, 2014

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

10/21/2014

Date